IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.33862 of 2008
INDU DEVI
Versus
THE STATE OF BIHAR
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03- 29.8.2008 Heard Mr. Ashutosh Kumar for the petitioner, and Mr. Parmeshwar Mehta, learned A.P.P. for the State. The petitioner seeks bail in Shamho P.S. Case No.19 of 2007, dated 8.4.2007, under sections 304B and 34 of the Indiana Penal Code.

2. While pressing this application, learned counsel for the petitioner submits that while disposing of the petitioner's application for anticipatory bail by order dated 26.05.2008 (Annexure-1), passed in Cr. Misc. No.12582 of 2008 (Indu Devi Vs. State of Bihar), this Court had directed the learned Chief Judicial Magistrate, Begusarai, to examine and consider the materials on record and dispose of the petitioner's bail application in accordance with law. The petitioner was directed to surrender within a period of four weeks from the date of the order. He submits that neither the learned Chief Judicial Magistrate nor the learned Sessions Judge has disposed of the bail applications in accordance with the spirit of the

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order of the High Court. He next submits that the petitioner is after all mother-in-law, a lady, and is in custody since 23.6.2008.

3. The learned A.P.P. opposes the application and submits that the materials have come on record during the course of investigation implicating the petitioner and other members of the family that they were torturing the deceased for money and also to alienate the property in favour of Dilip Singh, the husband of the deceased, because her *Naihar* people have no son.

4. I have perused the materials on record and considered the submissions of learned counsel for the parties. It appears that investigation is still in process.

5. In that view of the matter, this application is rejected with the liberty to the petitioner to move the learned Chief Judicial Magistrate, Begusarai, after conclusion of investigation, who shall apply his mind afresh ignoring the earlier orders passed on the bail applications of the petitioner.

**(S K Katriar, J.)**

S.K.Pathak/

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